

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION**

CASE NO. 24-14092-CIV-CANNON/Maynard

WILLIAM B. CROSBY, III,

Plaintiff,

v.

TOWN OF INDIAN RIVER SHORES,

Defendant.

**ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION [ECF No. 121]**

THIS CAUSE comes before the Court upon the Magistrate Judge's Report and Recommendation on Plaintiff's Second Amended Motion for Partial Remand (the "Report") [ECF No. 34]. On May 10, 2024, Plaintiff filed a Second Amended Motion for Partial Remand (the "Motion") [ECF No. 19].¹ On June 28, 2024⁷, following referral, Judge Shaniek Mills Maynard issued a Report recommending that the Motion be denied [ECF No. 121 pp. 1, 8]. Objections to the Report were due on August 22, 2022 [ECF No. 34 p. 11]. Plaintiff filed objections, and Defendants filed a response to those objections [ECF Nos. 37, 38].

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject,

¹ Plaintiff previously filed two separate remand motions [ECF Nos. 6, 14]. Both were denied without prejudice [ECF Nos. 12, 16].

CASE NO. 24-14092-CIV-CANNON/Maynard


or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following de novo review of the Report and Plaintiff's objections, the Court finds the Report to be well reasoned and correct. For the reasons set forth in the Report [ECF No. 34 pp. 4–11], it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation [ECF No. 34] is **ACCEPTED**.
2. Plaintiff's Second Motion to Remand [ECF No. 19] is **DENIED**.
3. The parties are reminded that, pursuant to the Court's Order Scheduling Mediation, a mediation report is due on or before **October 28, 2024** [ECF No. 33]. All deadlines in the Court's Scheduling Order remain in effect [ECF No. 15].

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 23rd day of August 2024.


AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record